

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

CARLOS VALDEZ, an individual,

No. C 13-0412 LB

Plaintiff,

**ORDER TO FILE PROOF OF
SERVICE**

v.

HOL'N JAM ENTERPRISES, INC., a
California corporation; CRAIG PEARCE, an
individual; and DOES 1 through 20 inclusive,Defendants.
_____ /

Plaintiff filed a complaint against Defendants on January 29, 2013. Complaint, ECF No. 1. Under Federal Rule of Civil Procedure 4(m), a plaintiff normally has 120 days from the filing of the complaint to serve the complaint and summons on a defendant. Fed. R. Civ. P. 4(m). This means that in this case Plaintiff had until May 29, 2013 to effect service. Fed. R. Civ. P. 4(m), 6(a)(1)(C). To date, Plaintiff has filed no proof that any named defendant has been served. *See generally* Docket. However, Plaintiff stated in his May 3, 2012 Case Management Statement that “attorney Richard Mann, who may or may not be retained by Defendants” contacted him to tell him that “Defendants are not interested in litigating this case.” *See* Plaintiff’s Case Management Statement, ECF No. 6. This suggests that Plaintiff may have served them.

In order to illuminate the procedural posture before the July 11, 2013 case management conference, the court ORDERS Plaintiff to file proof of service by July 5, 2013 (or show good cause by that date for the failure to serve). Failure to do either of these may result in dismissal of the case

without prejudice under Rule 4(m).

IT IS SO ORDERED.

Dated: June 28, 2013



LAUREL BEELER
United States Magistrate Judge

UNITED STATES DISTRICT COURT
For the Northern District of California